

## Remarks

The Office Action stated that the information disclosure statement filed September 16, 2004 failed to comply with 37 CFR 1.98(a)(2). A legible copy of the cited RIM Specification Document is being provided herein. Claims 1-37 are currently pending. Claims 1, 20, 25, 29 and 34 have been amended. No new matter has been added. Applicants assert that all claims are in condition for allowance as set forth more fully below.

### 102 Rejections - Tischer

Claims 1-37 stand rejected under 35 USC §102(b) as being anticipated by Exhibit A of the declaration disclosed by the Applicants filed on September 16, 2004. Without admitting to or acquiescing to any of the assertions made in the Office Action concerning Exhibit A and expressly reserving the right to challenge any or all of such assertions should it become necessary in the future, Applicant is herewith submitting a Declaration of Steven Neil Tischer under 37 C.F.R. §1.132 that Exhibit A remained an unpublished, confidential, internal document prior to the subject application's filing date of August 15, 2001. Importantly, it must be emphasized that the header "Rev 1/99" located in the upper right hand corner of Exhibit A indicates the last date that the format of the Invention Disclosure Form was revised and not the date that the content of the form of Exhibit A was created or published. Therefore, Exhibit A is not a valid reference under 35 USC 102.

### 102 Rejections - Ying

Claims 1, 3-7, 10, 12-13, 15-18, 20-21, 23, 26-27, 28-30 and 32-37 stand rejected under 35 USC §102(e) as being anticipated by Ying (US Pat 6,307,511). Applicants respectfully traverse these rejections.

### Claim 1

The Office Action rejects independent claim 1 by stating that Ying teaches all of its elements. The Office Action equates the cellular phone with a foldable housing element (or a "flip") accommodating a printed antenna pattern of electrically conductive

material creating a conductive trace (Col. 2, l. 24-30; Col. 3, l. 45-64; Col. 4, l. 50-55) connected to the radio circuitry of the phone at a common node (Fig. 3, 3; Col. 3, l. 58-59) in Ying, to the device in claim 1. Further, the Office Action equates the external antenna connector **46, 56, 67, 77** (Fig. 4, 46; Fig. 5, 56; Fig 6, 67; Fig. 7, 77; Col. 4, l. 56-59; Col. 5, l. 22-24 and l. 36-40) in Ying to the capacitive connection in claim 1 between the planar antenna on the exterior of the housing and the signal processing circuit inside the housing.

Amended claim 1 recites a cover pivotally attached to the housing such that said cover is pivotable from a first position wherein it covers the keypad to another position wherein the keypad is exposed and a planar antenna attached to the exterior of both the cover and the housing where the planar antenna is capacitively coupled to the signal processing circuit. These recitations of claim 1 are contrary to Ying.

It should be emphasized that Ying discloses the use of a Conductive external antenna connector to conductively connect a printed antenna pattern to the radio circuitry contained in the communication device. (Fig. 4, 46; Fig. 5, 56; Fig 6, 67; Fig. 7, 77; Col. 4, l. 56-59; Col. 5, l. 22-24 and l. 36-40). Ying teaches joining two portions of an antenna which are joined at a common node, or point, and that the antenna portions are fed through the node by a grounded signal generator. (Col. 3, l. 55-65). Feeding a signal through a node to an antenna is a conductive coupling which allows a current to directly pass through the node between the signal generator and the antenna which is contrary to a capacitive coupling which uses an electric field in an insulator separating the antenna and the signal generator. Nothing in Ying discloses a flip with a planar antenna that is capacitively coupled to the radio circuitry in the communication device. Furthermore, nothing in Ying discloses the attachment of the printed antenna to both the flip and the main apparatus housing. Ying does disclose the use of a transformer to couple an antenna in a flip to the radio circuitry in the main apparatus housing (Col. 1, l. 52-60) in WO94/25999. However, a transformer uses inductive coupling utilizing a magnetic field to induce a current in a separate coil which is contrary to the mechanism of capacitive coupling which couples two electrodes by creating an electric field in an intervening insulating layer.

Accordingly, claim 1 includes recitations not disclosed by Ying and is allowable over Ying for at least these reasons. Dependent claims 2-19 depend from allowable claim 1 and are also allowable over Ying for at least the same reasons.

#### Claim 20

The Office Action rejects independent claim 20 by stating that Ying teaches all of its elements. The Office Action equates the cellular phone with a flip accommodating a printed antenna pattern of electrically conductive material hinged to the radio circuitry of the phone in Ying, to the device in claim 20.

Amended claim 20 recites a housing, a keypad supported on said housing, a cover removably attached to said housing wherein the cover can be removed by hand, a means to bias the cover in an open position and an antenna member integral to said cover. These recitations of claim 20 are contrary to Ying.

It should be emphasized that Ying discloses a flip, printed with an antenna pattern, mounted to the apparatus housing by a hinge (Col. 3, l. 32-34) where the antenna is connected to the circuitry in the apparatus housing by a conductive external connection arranged close to the hinge mechanism. (Col. 4, l. 56-59). Ying does not teach that the flip is removable nor that the flip is biased in the open position. To the contrary, the conductive electrical connection of the antenna in the flip taught in Ying would complicate the easy manual removal of the flip by the user and as such, teaches away from the recitations of amended claim 20.

Accordingly, claim 20 includes recitations not disclosed by Ying and is allowable over Ying for at least these reasons. Dependent claims 21-27 depend from allowable claim 20 and are also allowable over Ying for at least the same reasons.

#### Claim 28

The Office Action rejects independent claim 28 by stating that Ying teaches all of its elements. The Office Action equates the portable wireless communication device with a flip accommodating a printed antenna pattern of electrically conductive material hinged to the radio circuitry of the wireless device in Ying (Figs. 2, 4-7; Col.2, lines 24-34; Col. 3, l. 56-64; Col. 3, l. 56-64; Col. 4, l. 24-49) to the device recited in claim 28.

Independent Claim 28 recites a portable wireless communication device, comprising a housing, a signal-receiving circuitry in said housing, a signal-transmitting circuitry in said housing and an antenna movably attached to the housing and capacitively coupled to said signal-receiving circuitry and said signal-transmitting circuitry. These recitations of claim 28 are contrary to Ying.

It should be emphasized that Ying discloses a flip, printed with an antenna pattern, mounted to the apparatus housing by a hinge (Col. 3, l. 32-34) where the antenna is conductively connected to the circuitry in the apparatus housing by a conductive external connection node arranged close to the hinge mechanism. (Col. 4, l. 56-59). Ying does not disclose an antenna capacitively coupled to the phone's signal sending/receiving circuitry.

To the contrary, the printed antenna in Ying integrally depends upon a flip for its conductive point of connection to the signal sending/receiving circuitry. Feeding a signal through a node to an antenna is a conductive coupling which allows a current to directly pass through the node between the signal generator and the antenna which is contrary to a capacitive coupling which uses an electric field in an insulator separating the antenna and the signal generator. Because Ying teaches the necessity of a connection node on a flip, Ying teaches away from the recitations of amended claim 28.

Accordingly, claim 28 includes recitations not disclosed by Ying and is allowable over Ying for at least these reasons. Dependent claims 29 and 30 depend from allowable claim 28 and are also allowable over Ying for at least the same reasons.

### Claim 32

The Office Action rejects independent claim 32 by stating that Ying teaches all of its elements. The Office Action equates the cellular phone with a flip, accommodating a printed antenna pattern of electrically conductive material, hinged to phone housing in Ying, to the device in claim 32.

Amended claim 32 recites, in part, a means for transparently covering an exposed portion of said means for activating, a means for biasing the means for transparently covering an exposed portion of said means for activating in an uncovered position, and a means for enhancing a transmission by said signal transmitting means and a reception by

said signal receiving means, said means for enhancing the transmission and reception being attached to said means for transparently covering and to the exterior of the housing member. These recitations of claim 32 are contrary to Ying.

It should be emphasized that Ying discloses a flip, printed with an antenna pattern, mounted to the apparatus housing by a hinge (Col. 3, l. 32-34) where the antenna is connected to the circuitry in the apparatus housing by a conductive external connection arranged close to the hinge mechanism. (Col. 4, l. 56-59). Ying does not disclose a transparent flip that is biased to the uncovered position nor does Ying disclose a means for enhancing a reception and a transmission that is attached to both a housing member and a transparent covering means. Ying teaches a flip with a printed antenna that is hinged to a housing member. The antenna is electrically attached to the radio circuitry by a conductive external connection point located on the flip.

Accordingly, claim 32 includes recitations not disclosed by Ying and is allowable over Ying for at least these reasons. Dependent claim 33 depends from allowable claim 32 and is also allowable over Ying for at least the same reasons.

#### Claim 34

The Office Action rejects independent claim 34 by stating that Ying teaches all of its elements. The Office Action equates the cellular phone with a flip, accommodating a printed antenna pattern of electrically conductive material, hinged to phone housing in Ying, to the device in claim 34.

Amended claim 34 recites a method of protecting at least a portion of a portion of a keypad supported in the housing of a portable wireless communication device, said method comprising demountably securing by hand a cover to the housing such that the cover may be selectively pivoted from a first position wherein at least a portion of the keypad is covered to another position wherein the at least a portion of the keypad is exposed. These recitations of claim 34 are contrary to Ying. It should be emphasized that Ying discloses a flip mounted to the apparatus housing by a hinge (Col. 3, l. 32-34). Ying does not disclose a flip that is attachable and removable by hand without tools.

Accordingly, claim 34 includes recitations not disclosed by Ying and is allowable over Ying for at least these reasons. Dependent claims 35-36 depends from allowable claim 34 and is also allowable over Ying for at least the same reasons.

#### 103 Rejections

Claim 2 and 22 stand rejected under 35 USC §103(a) as being unpatentable over Ying in view of Wolff (US Pat 5,933,772). Claims 8, 9, 11 and 24 stand rejected under 35 USC §103(a) as being unpatentable over Ying in view of Sirola (US Pat App. 2001/0012769). Claims 14, 19 and 31 stand rejected under 35 USC §103(a) as being unpatentable over Ying in view of Shima (US Pat 5,489,924). Claim 25 stands rejected under 35 USC §103(a) as being unpatentable over Ying in view of Yuhara (US Pat 6,240,930). Applicants respectfully traverse these rejections.

As noted above for the §102 rejections, the claims in addition to independent claims 1, 20, 28, 32 and 34 that have been rejected under 35 USC §103(a) depend from either allowable base claim 1, 20, 28, 32 or 34 and are also allowable over the cited references for at least the same reasons.

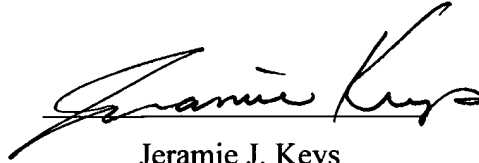
#### Conclusion

Applicants assert that the application including the specification, drawings and claims 1-37 is in condition for allowance. Applicants request reconsideration in view of the amendment and remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

Date: May 9, 2005

A handwritten signature in black ink, appearing to read "Jeramie Keys", written over a horizontal line.

Jeramie J. Keys  
Reg. No. 42,724

Withers & Keys, LLC  
P.O. Box 71355  
Marietta, Ga 30007-1355  
(404) 849.2093